

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JEREMY PINSON)
)
Plaintiff,)
)
vs.) Case No. CIV-06-0323-F
)
RENEE WATKINS, et al.,)
)
Defendants.)

ORDER

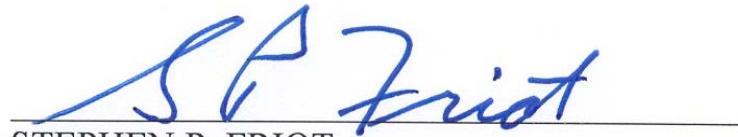
Plaintiff's application to proceed in forma pauperis in the appeal filed October 27, 2006 (notice of appeal at doc. no. 55) is before the court. (Doc. no. 64.)

Title 28 U.S.C. § 1915(a)(3) provides that an appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith. Here, plaintiff has appealed Magistrate Judge Robert E. Bacharach's order of October 16, 2006, which denied appointment of counsel to plaintiff. (Order of October 16, 2006, denying counsel, at doc. no. 35.) On October 26, 2006, however, the Magistrate Judge entered a minute order stating the Magistrate Judge's conclusion that in light of changed circumstances, the court would request legal representation for Mr. Pinson under the Prison Litigation Reform Act. (Doc. no. 57.)

Accordingly, the court finds that there is no basis for the instant appeal and that it is not taken in good faith in the sense required by § 1915(a)(3). *See, Coppedge v.*

United States, 369 U.S. 438, 445 (1962) (good faith demonstrated by appeal of non-frivolous issue). The motion to proceed in forma pauperis is therefore **DENIED**.

Dated this 9th day of November, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

06-0323p003(pub).wpd